

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: |) Examiner: Salce, Jason P. |
| |) |
| Rob Myers |) Art Unit: 2421 |
| |) |
| Application No. 09/524,770 |) Confirmation No.: 7597 |
| |) |
| Filed: March 14, 2000 |) |
| |) |
| For: A Service Module And A Method |) |
| For Providing A Dedicated On-Site |) |
| Media Service |) |

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO EXAMINER'S ANSWER

In response to the Examiner's Answer mailed September 23, 2010, Applicant respectfully requests consideration of the following remarks.

REMARKS

Appellant is filing this reply to the Examiner's Answer to respond to certain Examiner's statements made in the Answer. In particular, Appellant is responding to the Examiner's interpretation of Applicant's claimed invention and the prior art of Goldschmidt Iki in the "Response to Arguments" section on pp. 11-13 of the Answer.

Appellant's independent claims recite an on-site media service data that allows the user to locate a specific segment of the content data. Appellant would like to point out that Appellant believes that the Examiner in the Answer modified his argument that Goldschmidt Iki inherently discloses the claimed element to an argument that Goldschmidt Iki explicitly discloses the claimed element. Appellant respectfully submits that Goldschmidt Iki does not inherently disclose the claimed element, much less explicitly disclose the claimed element.

As discussed in the Appeal Brief and re-iterated in the Answer, the Examiner equates Goldschmidt Iki's VBI data that indicates the start/end of a commercial with Appellant's on-site media data. Appellant respectfully disagrees that Goldschmidt Iki discloses this claim element because the system controller locates the commercials in the program to avoid recording these commercials. Thus, the user cannot locate the commercials because the commercials are no longer part of the recorded program. Therefore, Goldschmidt Iki discloses the system controller locating commercials, not the user. Accordingly, because the system controller locates the commercials, Applicant respectfully submits that Goldschmidt Iki cannot be properly interpreted as necessarily or inherently disclosing this claim element.

Furthermore, the Examiner asserts that the digital broadcast data of Goldschmidt Iki can be equated with Appellant's on-site media service data as claimed. Appellant respectfully submits that Goldschmidt Iki's digital broadcast data is the actual content data for different programs that are viewed by the user. Goldschmidt Iki further discloses that a graphical user interface (Figure 5) is used to display the names of the digital broadcast data selections. However, Appellant respectfully submits that Goldschmidt Iki does not disclose that the digital broadcast data includes a program guide used by the graphical user interface. Furthermore, even if the digital program guide included a

program guide, one of ordinary skill in the art would recognize that the program guide is used to display entire programs to view and not to locating a specific segment of a program as claimed. Thus, Appellant respectfully submits that Goldschmidt Iki's digital broadcast data cannot be properly equated with Appellant's on-site media service data as claimed. Therefore, Appellant respectfully submits that Goldschmidt Iki does not teach or suggest on-site media service data that allows the user to locate a specific segment of the content data as claimed.

SUMMARY

Claims 16, 18-20, 23, 25-26, 28-29, and 41-42 are currently pending. In view of the foregoing and remarks, Appellant respectfully submits that the pending claims are in condition for allowance. Appellant respectfully requests the Board reverse the rejections of claims 16, 18-29, 41, and 42 under 35 U.S.C. § 103(a), and direct the Examiner to enter a Notice of Allowance for claims 16, 18-20, 23, 25-26, 28-29, and 41-42.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300 x7514.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR
& ZAFMAN LLP



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Dated: November 23, 2010

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CERTIFICATE OF TRANSMISSION

I hereby certify that this document is being submitted via EFS-WEB
on: November 23, 2010
Assistant: /Carla Anyisia Nascimento/